



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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December 16, 2015

Mr. Wayne Johnson
13033 Page Road
Grabill, Indian 46741

Re: Formal Complaint 15-FC-291; Alleged Violation of the Access to Public Records Act by the City of Fort Wayne

Dear Mr. Johnson,

This advisory opinion is in response to your formal complaint alleging the City of Fort Wayne ("City") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The City responded via Ms. Carol Helton, Esq. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on October 23, 2015.

BACKGROUND

Your complaint dated October 21, 2015 alleges the City of Fort Wayne violated the Access to Public Records Act by not providing you with records you requested.

On or about October 15, 2015, you requested in person a number of public records pertaining to neighborhood code cases and associated communications and materials. You allege the City refuses to produce these records, however, you have not provided a written denial from the City.

The City responded to your complaint which contended you were never denied the records and it has not been provided with adequate time to respond to your request.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The City of Fort Wayne is a public agency for the purposes of the



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APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the City's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

Based on the information provided to this Office, the City has not withheld any documentation or materials you requested. The letter from the City on October 21, 2015 (which I assume you mistook for a denial) suggests the City is taking efforts to search for and retrieve the documents you seek and will review them for release. It is my sincere hope the City has since provided you with the information you have requested.

CONCLUSION

Based on the foregoing, it is the determination of the Office of the Public Access Counselor the City of Fort Wayne has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Luke H. Britt
Public Access Counselor

Cc: Ms. Carol Helton, Esq.